



Legislative Research Council

SOUTH DAKOTA CODE COMMISSION MINUTES

Ninety-seventh Meeting
Friday, June 17, 2005

Roosevelt Room
Ramkota Hotel
Rapid City, SD

The ninety-seventh meeting of the South Dakota Code Commission was called to order by Chair Michael DeMersseman at 11:30 a.m., June 17, 2005, in the Roosevelt Room of the Ramkota Hotel, Rapid City, South Dakota.

A quorum was determined with the following members answering the roll call: Commissioners Thomas Deadrick, Michael DeMersseman (Chair), and Lee McCahren. Excused were: Commissioners Eric Bogue (Vice-Chair) and Tom Lee.

Staff member present was Doug Decker, Code Counsel.

All material distributed at the meeting is attached to the original minutes on file in the Legislative Research Council. For the purpose of continuity, these minutes are not necessarily in chronological order.

Approval of Minutes

Commissioner McCahren moved, seconded by Commissioner Deadrick, to approve the minutes of the June 18, 2004, meeting. Motion prevailed on a roll call vote with 3 ayes, 2 excused.

Model Business Corporations Act

Chair DeMersseman welcomed the guests and opened the committee with a discussion of the Model Business Corporations Act. Mr. Decker reported that the bill generated 208 pages for the pocketpart, the future need to republish volume 27 due to the size of the pocketpart, and the codification scheme for the bill. The model act was codified at chapter 47-1A.

Uniform Probate and Trust Code

Chairman DeMersseman reported that there is potential for legislation relating to the Uniform Probate and Trust Code. If this bill is proposed and enacted, the pocketparts resulting from this bill will impact future Commission decisions regarding the republishing of the particular code book.

Criminal Code Revision

Mr. Decker reported on the pocketpart relating to the criminal code revision. He commented on the cooperative working relationship the office of the code counsel had with the editors assigned by Thomson West to work with him. The criminal code revision was a complicated bill due to the recodification of various sections and the complications generated by the internal cross-references. The editors at Thomson West suggested a booklet for this pocketpart. This treatment permitted dual entries for existing law to be provided next to comparable new section that will be effective in July 2006. This method of publication should aid people in understanding the amendments enacted by this revision.

Public Comments

Mr. Rick Brown, Director of Codes Contents, Thomson West, commented about the complexity of the criminal code revision. He also reported on the page counts for the pocketparts relating to the corporation statute revisions and the criminal code revisions. The contract between the Commission and Thomson West provides that a code book will be considered for republication when the pages in the pocketpart equal or exceed twenty-five percent of the page count in the main volume.

Mr. Larry Zastrow, State Bar of South Dakota, commented about the transition from the previous publisher of the code to the present publisher of the code.

Chair DeMersseman asked for any other comments; hearing none, the meeting was adjourned at 12:30 p.m.



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